

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18420.1. Payments by State or Local Agencies for a Communication About a Measure.**

(a) A payment of public moneys by a state or local governmental agency, or by an agent of the agency, for communications directed to the voters of the jurisdiction, about a measure shall be considered an expenditure, for purposes of Section 82025, unless the information provided about the measure in the communications constitutes a fair and impartial presentation of facts relating to the measure.

(b) As used in subdivisions (a), a communication is about a measure if the communication clearly identifies a measure as defined in Regulation 18225(b)(1)(C) or (D).

(c) Notwithstanding subdivision (a), a payment for the following communications shall not be considered an expenditure:

(1) An agency report providing the agency's internal evaluation of a measure made available to a member of the public upon the individual's request.

(2) The announcement of an agency's position at a public meeting or within the agenda or hearing minutes prepared for the meeting.

(3) A written argument filed by the agency for publishing in the voter information pamphlet.

(4) A departmental view presented by an agency employee upon request by a public or private organization, at a meeting of the organization.

(5) A communication required by law.

(d) A governmental agency that otherwise qualifies as a committee under Section 82013 shall report all contributions and expenditures, including any expenditure under subdivision (a), pursuant to Chapter 4 of the Act.

Note: Authority cited: Section 83112, Government Code. Reference: Section 82025, Government Code.

#### HISTORY

1. New section filed 1-8-2009; operative 2-7-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2009, No. 2).